

# Exhibit C

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VOLUME: I

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EXHIBITS: 1 to 7

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HEATHER KIERNAN,

Complainant,

v.

Civil Action

No. 10131MLW

ARMORED MOTOR SERVICES OF  
AMERICA, INC.,

Respondent.

DEPOSITION OF JASON J. KHOURY

March 2, 2005

10:10 a.m.

Gillette Corporation

One Gillette Park

South Boston, Massachusetts

Reporter: Karen A. Interbartolo, RPR

APPEARANCES:

MCLEOD LAW OFFICES

By William J. McLeod, Esquire

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of America, Inc.

I N D E X

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JASON J. KHOURY

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Verbal 18

2 AMSA Written Reference Form 22

3 Memorandum dated 3/15/01 26

4 Authorization Form 28

5 Introductory Period Memorandum  
dated 4/16/01 30

6 Handwritten Letter dated  
8/17/01 62

7 Letter dated 2/20/03 67

\*Original exhibits retained by Mr. McLeod.

P R O C E E D I N G S

JASON J. KHOURY

having been satisfactorily identified and duly sworn by  
the Notary Public, was examined and testified as  
follows:

DIRECT EXAMINATION

BY MR. MCLEOD:

Q. Could you state your name for the record?

A. Jason Khoury.

Q. Mr. Khoury, my name is Bill McLeod. I  
represent Heather Kiernan in a case that she's brought  
against Armored Motor Services of America and Francesco  
Ciambriello.

I'm going to be asking you some questions  
today. You're under oath. You need to give me verbal  
answers. The court reporter can't take down shakes of  
the head or anything like that.

You're going to have an opportunity to review  
your deposition transcript and make whatever changes.  
Is that something that you'd like to do?

A. Yes.

27  
1 as far as you know, accurately reflect when he started?

2 A. I guess this is accurate. I don't recall  
3 exactly what day he started.

4 Q. And it states here that he was approved for  
5 part-time employment?

6 A. Yes.

7 Q. Was he working part time at Loomis Wells  
8 Fargo when you two were working together prior to AMSA?

9 A. Yes, he was.

10 Q. And did he have a full-time job in addition  
11 to that?

12 A. Yes, he did.

13 Q. Where was his full-time job at that time?

14 A. I'm not sure of the place, but it was making  
15 cabinets, wooden cabinets.

16 Q. And, to your knowledge, did he keep that job  
17 when he went to AMSA?

18 A. Yes.

19 Q. And that was a full-time position?

20 A. Yes.

21 Q. What was his shift going to be, if you know,  
22 when he was hired by AMSA?

23 A. Definitely weekends, as a weekend supervisor,  
24 Saturday and Sunday, and I think he worked one day

1 during the week for four hours.

2 Q. So he was hired as a supervisor?

3 A. Yes.

4 Q. Was that a step up from where he was over at  
5 Loomis Wells Fargo?

6 A. Yes.

7 (Exhibit 4 marked  
8 for identification.)

9 Q. Before you is what's been marked as Exhibit  
10 4, which appears to be an authorization form for the  
11 criminal records released from Rhode Island, and it  
12 appears that Mr. Ciambriello signed it and it is dated  
13 4/26/01. Under what circumstances would an employee or  
14 prospective employee of AMSA need to sign this document  
15 in order to get employment or keep their employment at  
16 AMSA?

17 A. Prior to being hired.

18 Q. Prior to being hired. Do you know why this  
19 would have been signed more than a month after  
20 Mr. Ciambriello's hire date in March of 2001?

21 A. Not really, unless he was applying for a  
22 Rhode Island license to carry a firearm.

23 Q. His position, however, was in Attleboro,  
24 correct?

1 A. Yes.

2 Q. Did his position require him to travel to  
3 Rhode Island?

4 A. If he was on a route truck, yes.

5 Q. So, then, as a supervisor, did his duties  
6 encompass him being on a truck?

7 A. Sometimes, yes.

8 Q. How often?

9 A. Not often. Once a month maybe if someone was  
10 to call in or -- call in or something.

11 Q. So this document which has been marked as  
12 Exhibit 4 is used for the purposes of getting a gun  
13 permit, not for the purposes of getting a  
14 pre-employment criminal background check?

15 A. I'm not sure.

16 Q. When Mr. Ciambriello was at AMSA Wells Fargo,  
17 did he have -- did he carry a weapon?

18 A. Yes.

19 Q. And, to your knowledge, did he have a proper  
20 permit to carry the weapon while he was employed there?

21 A. Yes, he did.

22 Q. And did he have it the entire time he was  
23 there?

24 A. To the best of my knowledge, yes.



1 (Exhibit 5 marked  
2 for identification.)

3 Q. Before you is what's been marked Exhibit 5.  
4 Have you seen this document before?

5 A. Yes.

6 Q. When did you first see it?

7 A. When it was originated on April 18th of '01,  
8 I would think.

9 Q. Did you interview Heather Kiernan for the  
10 position at AMSA?

11 A. I think so, but I'm not sure.

12 Q. You were her direct supervisor?

13 A. No. She had an immediate supervisor prior  
14 to -- She would answer to the vault supervisor or -- at  
15 the time.

16 Q. When you say at the time, at what time?

17 A. Her job was data entry, so she worked in the  
18 vault. She would have to answer to the vault  
19 supervisor, and the vault supervisor answered to me.

20 Q. Did the vault supervisor have the power to  
21 hire and fire her?

22 A. No.

23 Q. Who did?

24 A. I did.

1 Q. When you say answer to the vault supervisor,  
2 what do you mean?

3 A. As far as her duties, as far as shift  
4 schedule, hours.

5 Q. And the vault supervisor, was that somebody  
6 who was physically there -- Strike. Who was the vault  
7 supervisor?

8 A. On the weekend it was Tony Ciambriello.

9 Q. And was Ms. Kiernan hired to work any  
10 particular shift or shifts?

11 A. It was part time some weekends and some  
12 nights.

13 Q. Who would have made the decision to hire her?

14 A. I would have.

15 Q. Was there any pre-employment screening that  
16 needed to be done prior to her starting her work after  
17 you made the decision to hire her?

18 A. I believe just a normal background check,  
19 Mass. and Rhode Island criminal checks and reference  
20 checks from other jobs, yes.

21 Q. Are those tasks that you would perform?

22 A. No. My administrative assistant would have  
23 done that, Cindy Coleman.

24 Q. And does this refresh your recollection at

1 reviewed it and saw it.

2 Q. How long was he outside having a cigarette?

3 A. A couple of minutes, maybe three or four  
4 minutes.

5 Q. And when somebody goes outside to have a  
6 cigarette that's in Mr. Ciambriello's position, is that  
7 against company policy?

8 A. When the vault was open, yes.

9 Q. How did you know the vault was open when he  
10 went outside?

11 A. Because we have camera coverage inside the  
12 vault.

13 Q. That shows you when the vault is open and  
14 closed?

15 A. Yes.

16 Q. So, in addition to seeing him outside  
17 smoking, you would also need to verify that the vault  
18 was open?

19 A. Yes.

20 Q. So, in a circumstance like that, a three-day  
21 suspension is a typical discipline that one would get  
22 for a similar violation?

23 A. Yes.

24 Q. Was there any discussion with him about the

1 did he -- did Mr. Ciambriello bring his sidearm with  
2 him or was it left there at AMSA?

3 A. No, he brought it with him.

4 Q. And that day did he have his sidearm with  
5 him?

6 A. I don't know.

7 Q. Did Mr. Ciambriello ever return to work after  
8 that day where he was suspended for three days?

9 A. No.

10 Q. When I say return to work, I mean return to  
11 AMSA.

12 A. No.

13 Q. At some point later was he fired?

14 A. Yes.

15 Q. Who fired him?

16 A. I think I did.

17 Q. For what?

18 A. For leaving the vault unattended and breaking  
19 company policy.

20 Q. What was the company policy that he broke?

21 A. I don't know. Leaving the building  
22 unattended with the vault open would have been the  
23 policy.

24 Q. How soon after the suspension meeting that

1 you had with him was he terminated?

2 A. I don't know. A week or two maybe.

3 Q. Now, your typical work week at AMSA during  
4 that time period, was it Monday through Friday?

5 A. I think it was Monday through -- Mine?

6 Q. Yes.

7 A. Yes.

8 Q. So, the morning you met with Mr. Ciambriello  
9 and put him on suspension, was there somebody else  
10 there that was ready to assume his duties that day?

11 A. Yes, Clint.

12 Q. I'm sorry?

13 A. Clint Stauff was there.

14 Q. What then did you do that workday or that  
15 day?

16 A. I think I went home.

17 Q. When you were at home that day, did you speak  
18 with anybody concerning the allegations that were being  
19 made?

20 A. I don't think so.

21 Q. When did you next speak to somebody  
22 concerning the allegations?

23 A. Probably my next regular workday I would have  
24 probably followed up with Doug Wilson or Bill Callahan

1 A. That's correct.

2 Q. So she would know that as of this date you  
3 were working for AMSA?

4 A. Yes.

5 MR. MCLEOD: Objection.

6 Q. So you don't -- To sum up, you don't really  
7 know why your name is on the second page of Exhibit 2?

8 A. I have no idea.

9 Q. And you knew Mr. Ciambriello at Loomis. And  
10 did you recommend him for employment at AMSA?

11 MR. MCLEOD: Objection.

12 A. We both went at the same time. I think we  
13 had contacted them and we both went and applied.

14 Q. And did you have any problems with him as an  
15 employee of Loomis?

16 A. No.

17 Q. And he reported to you for a period of time;  
18 is that correct?

19 A. Yes.

20 Q. And did you have any problems prior to May of  
21 2001, at least did you have any problems with him while  
22 he worked for you at AMSA?

23 A. None, no.

24 Q. And what were his duties for AMSA?

1           A.    As a weekend supervisor, he would open the  
2 vault and check in all the liabilities, run the  
3 building in my absence, and close the building at the  
4 end of the night. He was there from open to close.

5           Q.    And you didn't work on weekends generally?

6           A.    No.

7           Q.    And how about the operations manager; was he  
8 working on weekends?

9           A.    No. He had weekends off as well.

10          Q.    And do you know if it was Loomis's practice  
11 at the time you became employed by Loomis, I guess the  
12 first time, to do criminal background checks?

13          A.    Right from the beginning they've always done  
14 background checks, yes.

15          Q.    And I think you testified that  
16 Mr. Ciambriello worked Saturday, Sunday, and one day  
17 during the week?

18          A.    Definitely weekends, and his days during the  
19 week were --

20          Q.    And what time would the facility be open on  
21 weekends?

22          A.    I think around 7 -- 6 or 7 in the morning  
23 until close, which could be at 7 o'clock; it could have  
24 been at 9 o'clock. Different times.

1 time you were called in you at some point after that  
2 had a conversation with Mr. Ciambriello where you told  
3 him to come in a little early for his next shift. Do  
4 you recall that testimony?

5 A. Yes.

6 Q. And that was a very short discussion; is that  
7 correct?

8 A. Yes.

9 Q. And did Mr. Ciambriello appear nervous or  
10 upset at all during that discussion?

11 A. Not at all, no.

12 Q. Did he ask you why you were calling him in?

13 A. Yes.

14 Q. And what did you tell him?

15 A. I'm sorry. He didn't ask me on the phone  
16 why. When he got there and I disciplined him, the  
17 explanation was in the discipline that he left the  
18 building unattended to go out for a cigarette and the  
19 vault was left open and I was going to have to suspend  
20 him.

21 Q. But, during the phone conversation, did he  
22 appear upset or worried at all?

23 A. No.

24 Q. And did he ask you why you were calling him



1 in early?

2 A. No.

3 Q. And, when he arrived as scheduled before his  
4 shift, did he appear upset or worried at that time to  
5 you?

6 A. No.

7 Q. And you initially gave him a three-day  
8 suspension?

9 A. Three days or pending investigation. I think  
10 it was the exact wording I used.

11 Q. So had you made a final decision on what type  
12 of discipline would be imposed?

13 A. No.

14 Q. And so what was Mr. Ciambriello actually told  
15 on that day?

16 A. That he was being suspended for three days  
17 pending further investigation.

18 Q. Was it left that he had a definite return to  
19 work date or that you'd be in touch with him?

20 A. No, that I would be in touch with him.

21 Q. So, to your knowledge -- well, you didn't  
22 communicate to him that he would be able to report to  
23 work after three days?

24 A. No, I did not.

1 Q. -- pending further investigation?

2 A. Yes.

3 Q. Further investigation of what?

4 A. It was just a standard line that would be put  
5 in when you'd discipline someone.

6 Q. You would never suspend somebody for a set  
7 period of time?

8 A. Yes.

9 Q. You would?

10 A. Yes.

11 Q. Under what circumstances?

12 A. A tardiness. You're suspended for one day  
13 based on your tardiness, and any other further actions  
14 could result in termination. I think that was always  
15 on the end of every -- the fine print on a document.

16 Q. How did you come to know that the vault was  
17 open when he was outside having a cigarette?

18 A. From the videotape.

19 Q. Now, you viewed that prior to suspending him,  
20 correct?

21 A. Either I viewed it or someone showed -- I  
22 think Eddie showed me that.

23 Q. Prior to -- Sorry.

24 A. Someone showed me that, told me that and

1 showed me that, yes, because I remember him  
2 walking -- Yes, I remember viewing the videotape with  
3 him outside the building, and no one else was inside  
4 the building.

5 Q. And that was prior to your meeting with him  
6 where you suspended him?

7 A. Yes.

8 Q. So then what, then, needed to be  
9 investigated? In other words, you suspended him  
10 pending investigation. What more needed to be done?

11 A. Probably nothing. I think they knew at that  
12 time that he was going to be terminated.

13 Q. Say that again.

14 A. I think that they knew that that was going to  
15 be a termination for leaving the building unattended.  
16 Maybe to check the policy to make sure that it was a  
17 termination offense.

18 Q. When you say "they," who's "they"?

19 A. Debbie Gates and Doug Wilson.

20 Q. Where would they check; do you know?

21 A. The policy procedures handbook.

22 Q. Is it like a standard operating procedures  
23 manual or something like that?

24 A. Yes, a handbook that all employees would sign

1 Mr. Ciambriello had been terminated from his  
2 employment?

3 A. I don't know.

4 Q. And did she specifically mention anything  
5 concerning the incident?

6 A. No.

7 MR. MCLEOD: I have no further  
8 questions. Because of the issue that we objected to,  
9 we'll suspend.

10 MR. DONOGHUE: Yes, that's fine.  
11 Subject to that --

12 MR. MCLEOD: Yes, subject to that, we're  
13 concluded.

14 MR. DONOGHUE: And I have no further  
15 questions.

16 (Whereupon the deposition  
17 was concluded at 12:10 p.m.)  
18  
19  
20  
21  
22  
23  
24

C E R T I F I C A T E

Page	Line	Correction
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Signed under the pains and penalties of perjury  
this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

JASON J. KHOURY

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1 COMMONWEALTH OF MASSACHUSETTS

2 SUFFOLK, SS.

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3  
4 I, Karen A. Interbartolo, Registered Professional  
5 Reporter and Notary Public in and for the Commonwealth  
6 of Massachusetts, do hereby certify that JASON J.  
7 KHOURY, the witness whose deposition is hereinbefore  
8 set forth, was duly sworn by me and that such  
9 deposition is a true record of the testimony given by  
10 the witness.

11  
12 I further certify that I am neither related to nor  
13 employed by any of the parties in or counsel to this  
14 action, nor am I financially interested in the outcome  
15 of this action.

16  
17 In witness whereof, I have hereunto set my hand  
18 and seal this 15th day of March, 2005.

19  
20 

21  
22 Notary Public

23 My commission expires

24 March 9, 2012